

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GIOVANNI THOMAS JASSO,

Petitioner,

v.

GISELLE MATTESON,

Respondent.

No. 1:24-cv-00133-KES-SAB (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
PETITION FOR WRIT OF HABEAS
CORPUS, DIRECTING CLERK OF COURT
TO CLOSE CASE, AND DECLINING TO
ISSUE CERTIFICATE OF APPEALABILITY

Doc. 39

Petitioner Giovanni Thomas Jasso is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 26, 2025, the assigned magistrate judge issued findings and recommendations recommending that the petition be denied on its merits. Doc. 39. The findings and recommendations were served on the parties and contained notice that any objections were to be filed within thirty (30) days of the date of service of the findings and recommendations. On July 14, 2025, petitioner filed timely objections. Doc. 40.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of the case. Having carefully reviewed the file, including petitioner's objections, the Court finds the findings and recommendations to be supported by the record and proper analysis. Petitioner's objections reassert arguments that were correctly rejected by the findings and

1 recommendations.

2 Having found that petitioner is not entitled to habeas relief, the Court now turns to
3 whether a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus
4 has no absolute entitlement to appeal a district court's denial of his petition, and an appeal is
5 allowed only in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003); 28
6 U.S.C. § 2253. If a court denies a habeas petition on the merits, the court may issue a certificate
7 of appealability only "if jurists of reason could disagree with the district court's resolution of [the
8 petitioner's] constitutional claims or that jurists could conclude the issues presented are adequate
9 to deserve encouragement to proceed further." *Miller-El*, 537 U.S. at 327; *Slack v. McDaniel*,
10 529 U.S. 473, 484 (2000). While the petitioner is not required to prove the merits of his case, he
11 must demonstrate "something more than the absence of frivolity or the existence of mere good
12 faith on his . . . part." *Miller-El*, 537 U.S. at 338.

13 In the present case, the Court finds that reasonable jurists would not find the Court's
14 determination that the petition should be denied debatable or wrong, or that petitioner should be
15 allowed to proceed further. Therefore, the Court declines to issue a certificate of appealability.

16 Accordingly:

- 17 1. The findings and recommendations issued on June 26, 2025, Doc. 39, are ADOPTED
18 in full;
 - 19 2. The petition for writ of habeas corpus is DENIED;
 - 20 3. The Clerk of Court is directed to close the case; and
 - 21 4. The Court declines to issue a certificate of appealability.
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24 IT IS SO ORDERED.

25 Dated: July 26, 2025

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28 UNITED STATES DISTRICT JUDGE